

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**ANTICIPATORY BAIL APPLICATION NO. 816 OF 2023**

**DNYANOBA S/O HANMANTRAO KARMALE  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER**

Mr. V. D. Gunale, Advocate for the applicant  
Mr. S. P. Sonpawale, APP for the respondent/State

**CORAM : R. M. JOSHI, J.**  
**RESERVED ON : 08/06/2023**  
**PRONOUNCED ON : 13/06/2023**

**P.C. :-**

1. This is application is filed by government servant against whom an open inquiry is being conducted by Anti Corruption Bureau (ACB), Latur in respect of his assets. In the said inquiry it was revealed that almost 100% disproportionate assets than his known source of income are found to have been acquired by him in his name and in the name of his wife. In connection with crime being C.R. No. 21 of 2023 is registered with Jalkot Police Station, Dist. Latur for the offence punishable under Sections 13(2), 13(1)(e), 13(1)(b) and 12 of Prevention of Corruption Act and Section 109 of Indian Penal Code applicant apprehends arrest.

2. At the outset learned counsel for the applicant states that

the open inquiry which has been initiated at the instance of Madhav Kendre against whom the applicant had lodged FIR for illegal excavation and theft of sand. It is therefore submitted that registration of offence of the demand of bribe as well as the registration of crime for disproportionate asset is motivated. Learned counsel for the applicant states that *prima facie* conducting of inquiry is not done in fair manner. It is submitted that the ancestral properties of the applicant are not taken into consideration nor the properties standing in the name of the father of the applicant and who is an agriculturist are also ignored. It is stated that the assistance given by the the father of wife of applicant for the purchase of one plot is not taken into account by the Investigating Officer. Thus, according to him allegation of acquisition of disproportionate assets is incorrect on the face of it. It is further submitted that having regard to the nature of offence it is not the case where in custodial interrogation of the applicant is necessary.

3. Learned APP opposed the application with the contention that the investigation done till date indicates that there is 100% increase in the assets of the government servant as compared to this known source of income. It is submitted that for the purpose of effective investigation and to find out the manner in which the

properties are acquired, custodial interrogation of the applicant is necessary.

4. At this stage perusal of the investigation done till date indicates that the ACB could lay its hands over the properties standing in the name of applicant as well as in the name of his wife. Record indicates that three plots are purchased by the applicant, out of which two plots stand in the name of his wife Alka. Though applicant claims that his father in-law had provided financial assistance for procurement of one plot, there is no explanation about another plot acquired in name of wife. There is no dispute about the fact that wife of applicant is not employed nor has independent source of income. As regards valuation of properties, at this stage there would be no justification dispute its valuation as done by ACB. It could be matter of trial as to whether the said valuation is correct or otherwise. Suffice is to say that *prima facie* there is material on record to indicate that the applicant who is a government servant has acquired the properties of about 100% more over and above his known source of income.

5. Some of the properties stand in the name of wife and this Court finds substance in the contention of the learned APP that

for the purpose of ascertaining the manner of acquisition of those properties by the applicant and also to investigate into any other property acquired by him, custodial interrogation of the applicant is necessary. Hence it is not a fit case for grant of anticipatory bail. Hence application stands dismissed.

**(R. M. JOSHI, J.)**

ssp